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December 10, 2024

Via ECF

Hon. Glenn T. Suddaby
United States District Court
Northern District of New York
15 Henry Street
Binghamton, NY 13901

Re: Bauer v. Iodice et al, No. 22 Civ. 01007 (N.D.N.Y.)

Dear Judge Suddaby:

This firm represents the Plaintiff Adam Bauer in the above-captioned matter. We write pursuant to the Court's November 12, 2024 order to provide a status update regarding settlement discussions in this case. This morning, Plaintiff sent Defendants' counsel a draft of this letter to be filed jointly, with "Plaintiff's Position" included, asking for Defendants' counsel to include "Defendants' Position," which Plaintiff left a placeholder for. Defendants' counsel declined to add Defendants' position and indicated instead that he would be filing an independent status report. This letter is therefore filed on behalf of Plaintiff only.

Plaintiff has been attempting to engage in settlement discussions with Defendants for months. On June 26, 2024, Plaintiff conveyed a settlement demand to Defendants. Defendants did not respond for 3 months. The current Assistant Attorney General assigned to this case was on parental leave during that time, but Defendants had assigned the case to another Assistant Attorney General, who also did not respond to Plaintiff's demand during those months. On September 18, 2024, Plaintiff followed up with Defendants regarding his settlement demand. On September 19, 2024, in response, Defendants asked for billing records from Plaintiff's counsel. That same day, Plaintiff's counsel provided Defendants a breakdown of attorney hours in this case. On September 26, 2024, Defendants' counsel indicated that he would have settlement authority for this case "hopefully within a few weeks." On October 22, 2024, Plaintiff followed

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up with Defendants again as to the settlement demand, and as to Defendants' position on whether the case was trial-ready, to no response. On October 30, 2024, Plaintiff followed up again, to which Defendants' counsel responded that he "will have settlement authority soon."

Yesterday, on December 9, 2024, Plaintiff requested Defendants' position as to what information they would like included in this status update to the Court. In response, Defendants' counsel stated that he "would like to keep discussions open for possible settlement of this case. However, I am still in the process of getting authority for a settlement amount" and that based on Plaintiff's demand and his requested settlement authority amount, "a settlement conference will *not* be fruitful at this time." (emphasis in original).

Given the above, it does not appear that a settlement is imminent. Plaintiff therefore requests that the Court set a trial date.

Respectfully submitted,

/s/

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c. All counsel of record